

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

JULIAN C. LANE, JR.,

Plaintiff,

V.

S BANK,

Defendant.

Case No. CV414-092

ORDER

In this removed case, plaintiff, defendant's former president, contends that in 2010 he was defrauded out of his deferred compensation plan after the bank began to experience financial turbulence caused by the 2008 market collapse. (Doc. 1-2 at 2-3.) Defendant moves for judgment on the pleadings ("JOP"), contending that plaintiff waived any such claim under the terms of the compensation-plan termination agreement. (Doc. 8-1 at 2-3.) Although the JOP motion is not before the undersigned, defendant also filed a motion to stay discovery and all pretrial deadlines pending the Court's ruling on the JOP motion. (Doc. 13.) The bank insists that the JOP

motion will extinguish all claims against it and that discovery will amount to an exercise in futility. (*Id.* at 1-2.) Plaintiff opposes the motion, insisting that his claim is not “dubious” and that discovery should therefore proceed. (Doc. 17 at 1-3.)

Courts in this circuit have granted motions to stay discovery where the “resolution on the pending motion to dismiss may extinguish some or all of the claims . . . potentially restricting the scope of discovery significantly.” *White v. Georgia*, 2007 WL 3170105 at *2 (N.D. Ga. Oct. 25, 2007); *see also Feldman v. Flood*, 176 F.R.D. 651, 652-53 (M.D. Fla. 1997). After reviewing the dismissal motion here, the Court is satisfied that it has heft and may extinguish plaintiff’s claims.

Applying the principles found in *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367 (11th Cir. 1997), defendant’s request to stay discovery (doc. 13) is **GRANTED**. Should plaintiff’s case survive the JOP motion, the parties shall submit a proposed scheduling order within 14 days of the entry of the district judge’s order.

SO ORDERED this 18th day of June, 2014.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA